

PLANNING COMMISSION

PRELIMINARY MINUTES

June 15, 2021

**6:00 PM
Zoom Meeting**

Join Zoom Meeting

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MEMBERS PRESENT:

Alan Couch, Chairman

Terry Carter

Ryan Silvestri

Phoebe Tucker

MEMBERS ABSENT:

Ted Stryhas

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Eric Alden

Jason Rasmussen

Eric Chattergee – Okemo Valley TV

I. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES

1. Alan Couch called the meeting to order at 6:02 p.m. He advised that the Electronic Meeting Guidelines, previously discussed are still in effect.

II. ROLL CALL

1. Alan Couch did a roll call of the board. All members are present, except Ted Stryhas. He noted that there is a quorum.

III. **CONSIDERATION OF ANY CHANGES, ADDITIONS OR REMOVALS TO THE AGENDA**

1. None were needed.

IV. **APPROVE MINUTES**

1. Alan Couch advised that the minutes to be approved are from the meeting of April 20, 2021 and May 26, 2021. He said that he would like to review the guidelines for changes to minutes and approval of minutes. We are not allowed to discuss the minutes outside of the meetings. He said that he went to the VLCT website - FAQ and read that minutes must be taken at meetings and do not need to be verbatim. They should convey the gist of the conversation. He said that he did read the comments and the minutes did not convey Terry Carter's intent. The minutes could have been interpreted in two ways.
2. Rose Goings said that at this point, nothing should be discussed outside of the meeting; it breaks the open meeting law.
3. April 20, 2021
 - a. Terry Carter noted that item VII (1) (iii) on page 4 did not convey her intent. She wants to make it clear that she is in favor of improving broadband in Ludlow. The following is what was said at the meeting. "I'm just nervous because it's very loud and clear from the Regional Planning Commission that if we are not part of a communication district, we can just not even spend any of that COVID money on improving broadband in Ludlow."
 - b. **MOTION by Terry Carter and seconded by Ryan Silvestri to approve the minutes from April 20, 2021 as corrected. Motion unanimously.**
4. May 26, 2021
 - a. **MOTION by Terry Carter and seconded by Ryan Silvestri to approve the minutes from May 26, 2021 as submitted. Motion passed unanimously,**

V. **COMMENTS FROM CITIZENS**

1. There were none.

VI. **REVITALIZE THE VILLAGE OF LUDLOW**

DIMENSIONAL STANDARDS AND USES – REVIEW PROCEDURES FROM MAY.

1. Alan Couch said the board will continue working on the grant for the revitalization of the Village.
2. Jason Rasmussen suggested that the Village RC District is too large and it is hard to set standards for it. He shared his screen and showed an overlay of the area that he is proposing for the Village Center. He said with a smaller district it is easier to set dimensional standards. He suggested focusing on a village center, from bridge to bridge.
3. Terry Carter said it makes sense to condense it to Main Street.
4. Ryan Silvestri said it will keep us on point and reduce outliers.
5. Jason Rasmussen said it can make sense and do they want to extend it to the Preservation District line.
6. Alan Couch suggested La Mere Square.
7. Jason Rasmussen said it could be extended to La Mere Square.

8. Alan Couch said it is a small retail and commercial space. He said that's where the restaurants and shops are.
9. Ryan Silvestri asked about extending it to the intersection Pond and Main Streets.
10. Terry Carter asked about Benson's.
11. Jason Rasmussen said possibly just the south side of Main Street.
12. Alan Couch asked about Shaw's, Rite Aid, the Real Estate office and bank. He said that is sort of pedestrian. He asked where they should draw the line.
13. Terry Carter said they can just add La Mere Square.
14. Ryan Silvestri suggested excluding the large properties.
15. Jason Rasmussen asked about Elm Street on both sides, down to Pleasant Street.
16. Terry Carter said she doesn't think so.
17. Rose Goings said she thought the Church was already included.
18. Jason Rasmussen asked if this area should be the same as the existing Village Center Designation.
19. Rose Goings said that she thought that some of Pleasant Street was included.
20. Jason Rasmussen said this is just a rough draft and he can come back next month and show them where the Village Center Designation is.
21. Rose Goings asked Jason Rasmussen if he is looking to expand the Village Center.
22. Jason Rasmussen said he is asking if they want to split the Village RC District. Should the new area include La Mere Square? Should it be the entire Village Center Designation?
23. Rose Goings said that when they tried to include La Mere Square up to Benson's historical building, Richard Amore wouldn't accept it.
24. Jason Rasmussen said he (Richard Amore) may not have a say.
25. Rose Goings said that Frank Heald wanted to add La Mere Square, Benson's, the Gilmore Bridge and it would be nice if we could add them to the Village Center Designation, along with the Medical office and the Church.
26. Jason Rasmussen said that the Village Center Designation includes areas where there is commercial activity, not necessarily auto centers. He said that he is asking this board about changes to possibly include the Village Center Designation. Should we tweak the Village RC - shrink it and how.
27. Alan Couch said why fix what's not broken if the Village Center Designation is already mapped. If we change the RC regulations, wouldn't that apply to the Village Center Designation?
28. Jason Rasmussen said he would bring this back next month.
29. Alan Couch we need to equalize and make the setbacks consistent. This would apply nicely to the Village Center Designation.
30. Rose Goings said that they tried to expand several years. She said that if they do expand it, the people in the expanded area will be offered the same benefits as the current Village Center Designation area. They get tax credits to fix up their properties. She would like to add La Mere Square to that. She said that some people would be happy. She said that the people in the current Village Center area saved a lot of money.
31. Alan Couch said we should give people the opportunity to do good things with their properties.
32. Jason Rasmussen said it would be more likely to expand toward Pleasant Street than toward Benson's.
33. Ryan Silvestri mentioned changing density requirements.
34. Jason Rasmussen said he would do more work on the map and bring it back next month.
35. Rose Goings asked Jason Rasmussen to email the map to her and she would forward it to board members.

START SUPPLEMENTAL STANDARDS

36. Jason Rasmussen said that he had reorganized the charts for Permitted and Conditional Uses
37. Rose Goings said she likes it better this way.
38. Terry Carter agreed.
39. Jason Rasmussen said he can change all of the districts. He asked what can make it easier and streamline the process for permits. He suggested adding **SITE PLAN/ADMINISTRATIVE REVIEW**. This would empower the Zoning Administrator to issue permits. It would mean more work for her and the application may be more involved, but the process would be easier. He said that Section 255 - Administrative Review details the process. This is new and is per State Statute Sec. 4464(c). The Zoning Administrator can review applications. There would be site plan review. This would be specifically for the Village RC District. (See below)

Applicability: In order to streamline the permitting process, the Zoning Administrator may review and approve new developments and amendments as specified in Section 430 located within the Village R-C District.

Application Requirements: An applicant shall submit a complete application, site plan, associated fees, and information about how the project meets the review criteria.

Review Criteria: All developments subject to Administrative Review must meet the Site Plan Review standards in Section 260.2.

Decisions: No new development shall be approved that results in a substantial impact under any applicable standards set forth in these regulations. All decisions, whether to approve, approve with conditions, or disapprove an application under Administrative Review shall be based upon the review criteria in these regulations.

Appeal: Decisions rendered under Administrative Review are subject to appeals under Section 223(1).

Referral to DRB: The authority to render an administrative decision does not mean that the Zoning Administrator is required to do so. The Zoning Administrator may refer any application to the Development Review Board where board review or interpretation is appropriate or necessary. In such cases, the applicant shall be responsible for any additional fees or submittals needed for board review.

40. Alan Couch asked if this is from a state boiler plate template and is it available online.
41. Jason Rasmussen said there are a range of examples and that he had worked with Rose Goings on this.
42. Rose Goings said it would be much better than always having to go to the DRB with projects the DRB doesn't really need to see. She likes this format.
43. Alan Couch said they need some definitions.

44. Rose Goings said she is writing down the things that need to be fixed. She said that they need to remove the references to “demolition of historic structures.” She said the state doesn’t want to hear those any longer and to remove it from the zoning regulations. There is only one building on the National Historic list in the district.
45. Jason Rasmussen said that in Section 430, he divided Multi-unit dwelling into 3 and 4 unit dwellings. He indicated on the list, what items were moved from Conditional Use to Site Plan/Administrative Review.
46. Rose Goings said they need a definition for Senior Housing.
47. Jason Rasmussen said he will look into it and make sure that they have all of the needed definitions.
48. Alan Couch asked about 3 and 4 unit dwellings and if they require state permits. Would that then stay as a conditional use?
49. Terry Carter asked about Senior Housing
50. Rose Goings said that every one of them would require the Fire Marshal’s permit. She said that the rules about mother-in-law apartments requiring the Fire Marshal permit just changed. She said before, I can give a CO, they have to have the permits from the Fire Marshal, and if connected to the sewer, they need to have a State wastewater permit and before they get a building permit, they must have the permit for municipal sewer or a state septic permit.
51. Jason Rasmussen asked if they want to change the list - maybe add or take away.
52. Rose Goings said if a building is changing from one retail use to another, it may not require a permit, other than for the sign. She said when changing from a restaurant to a bar may require a change in sewer allocation. If there is no change of use, they don’t need to get a permit.
53. Jason Rasmussen asked about change of use from house to retail.
54. Rose Goings said it would be a conditional use and must meet district standards. A single family dwelling lot size requirement is different from that of a commercial entity. It must be in the correct district.
55. Jason Rasmussen asked about a business office - a second floor apartment to a business office.
56. Rose Goings said it depends on the circumstances - possibly a home occupation.
57. Jason Rasmussen said it is a change of use from residential to commercial.
58. Rose Goings said it would be a conditional use.
59. Jason Rasmussen asked if any vacant space in an existing building would be Administrative Review.
60. Rose Goings said as long as we have district standards it can be administrative, but there must be guidelines for residential and commercial.
61. Ryan Silvestri said if it is already commercial and changing use to another commercial use, it is administrative.
62. Rose Goings said Conditional and it has to fall in the district standards. She asked where the standards for this district are. She said that the standards from Village RC are Section 500. She cited minimum lot size for SF dwelling as 5,000 square feet and for non-residential as 10,000 square feet. She said if a person has a SF dwelling and wants to change to commercial use, they wouldn’t be able to do it because there wouldn’t be enough square feet. You would still have to meet the district standards. She said the building would also have to meet setbacks. She said if it is non-conforming you can’t change the use.
63. Alan Couch said if you have a residential property, that meets non-residential standards, do they still have to go to the DRB for a change of use, and they already have permits from the fire marshal and wastewater. Can Rose Goings sign off on this?
64. Rose Goings said under permitted uses, yes. Under conditional uses, it would have to go to the DRB. She can sign off on Administrative and permitted uses.

65. Alan Couch said that Jason Rasmussen is asking about changing from residential to non-residential if it meets the standards and are there any other uses they want to move to administrative.
66. Ryan Silvestri asked about someone who has a double lot on Pleasant Street. He is hesitant to add more to administrative review.
67. Terry Carter asked Rose Goings if she sees anything left on the Conditional Use list that should be added to Administrative Review.
68. Ryan Silvestri asked about funeral homes and daycare.
69. Rose Goings said daycare is under Home Child Care.
70. Terry Carter asked about restaurants and bars
71. Rose Goings said no, sometimes they have entertainment. She was also not sure about tourist home.
72. Terry Carter read the definition of tourist home.
73. Alan Couch said that he agrees with Ryan Silvestri to keep the list short and later, if we want, we can tweak it.
74. Rose Goings said she is concerned about Senior Housing, there is no definition. She said that anything that could create a lot of noise. She wants to talk to Landon Wheeler about it, also 4-unit dwellings and density requirements.
75. Ryan Silvestri said they would still have to meet the fire codes.
76. Rose Goings mentioned pottery studios and their kilns.
77. Ryan Silvestri said carpentry shops.
78. Rose Goings said that Senior Housing usually means 55+ or retirement.
79. Jason Rasmussen said something like that depends on the size.
80. Alan Couch said Senior Housing and Day Care are defined by the State. Day care is a permitted use and Senior Housing - 55+ or Assisted Living should go to the DRB.
81. Ryan Silvestri agreed, he added also large scale Senior Housing would not be possible because you would have to buy up several lots.
82. Alan Couch agreed.
83. Terry Carter suggested moving funeral homes back to conditional use.
84. Alan Couch agreed.
85. Terry Carter said to leave daycare where it is.
86. Jason Rasmussen said for Dimensional Standards, he got rid of separate standards for residential and non-residential. He said it would make it easier to convert one to the other.
87. Terry Carter said 60 to 50 feet lot frontage.
88. Jason Rasmussen said he did change it to 50 feet.
89. Ryan Silvestri asked about maximum lot coverage of 50%.
90. Jason Rasmussen asked if that was for all buildings or just the primary building.
91. Rose Goings said all buildings. She said that is not considering non-residential.
92. Jason Rasmussen said one set of standards for everyone.
93. Rose Goings said it would make it easier.
94. Jason Rasmussen said he used 5,000 square feet minimum lot size and got rid of the 2 and multi-unit standards, but they must meet all other requirements.
95. Jason Rasmussen said in Section 520.3 he referred to the change made

520.3 - DWELLINGS ON LOTS, PRIMARY USES ON LOTS

There shall be only one residential building, an accessory residence and its accessory structures on a lot unless otherwise approved under the Planned Unit Development. There shall be only one primary use on a lot unless otherwise

approved as a Planned Unit Development under Section 270. There may be more than one principal use on a lot within the Village R-C District

96. Ryan Silvestri said that change makes it more flexible to change the use of the property.
97. Jason Rasmussen said he will continue to work with Rose Goings.

VII. OTHER BUSINESS

1. VT Council on Rural Development
 - a. Alan Couch said that the Select Board allowed the presentation and he has not heard any feedback. We could benefit from their services.
 - b. Rose Goings said the presentation went well. She said she thought Phoebe Tucker would have been at that meeting. The Select Board accepted it.
 - c. Phoebe Tucker apologized for not attending the meeting.
 - d. Rose Goings said that at this time, it is how the Planning Commission wants to handle the Council.
 - e. Alan Couch asked for it to be put on the July agenda.
 - f. Rose Goings said that Paul Costello made the presentation to the Select Board.
2. Random Zoning Issues
 - a. Alan Couch said that there are COVID issues left. At the May meeting, we discussed the agreement to end ZOOM meetings ends today. He is not sure what the Governor will mandate. ZOOM meetings are convenient. He said that there is a possibility that there will need to be a physical location for meetings. The Governor has not addressed that. He said the July meeting will be via ZOOM.
 - b. Ryan Silvestri asked if there is a way to base the location of meetings based on the agendas.
 - c. Alan Couch said he is not sure if it will confuse things, also, meetings must be warned.
 - d. Rose Goings said she sends out the agenda about a week before the meeting. She added that we do have a schedule for meetings for the grant.
 - e. Terry Carter said she will be in Waterbury.
 - f. Alan Couch said they will continue to hold ZOOM meetings.
 - g. Rose Goings said that Scott Murphy hasn't said anything about it yet.
 - h. Alan Couch asked for this to be put on the July agenda.
 - i. Preservation District
 - i) Rose Goings said there are some issues, but she wants to discuss them with Jason Rasmussen first. She is trying to set things in place. It is something about buildings that are falling apart.
3. Next meeting July 20, 2021.

VIII. ADJOURN

1. **MOTION by Ryan Silvestri and seconded by Terry Carter to adjourn this meeting. Motion passed unanimously.**
2. Meeting adjourned at 7:18 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Ted Stryhas

Terry Carter

Phoebe Tucker

Ryan Silvestri